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1947.



File No. 0 Ferries 147

Legal DEPARTMENT
A. BRANCH

Subject:— Opinions under the Bombay

Ferries Act 1868

P 3E

File No. 0. Ferries 147

Std. Sectt. Slip 24 B c.

397-A.

C O N T E N T S.

Legal Department File No. O. Ferries/47.

S.No.	Compilation No.	Subject	Pages.
		Opinions under the Bombay Ferries Act, 1948.	
1.	<u>O.No. 5870</u> 5.6.1947	Sections 14-C and 17-C. The Indian Ports Act, Section 6. Whether the public ferries at Furja and Mahiniundai which are managed by the Joint Ferries Committee at Dacca should be licensed under the Bombay Minor Ports Passengers Vessels Rules or under this Act.	1 - 2.

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Section 17C of the Bombay Ferries Act, 1868,

provides:

"Nothing in sections 14A to 14C and 17A and 17B shall apply in respect of any vessel plying on sea or on tidal waters or in any major port or in respect of any inland steam vessel as defined in sub-section (1) of section 2 of the Inland Steam Vessels Act, 1917 or in respect of any vessel plying under a licence issued in exercise of the powers conferred by section 6 of the Indian Ports Act, 1908."

Under section 14C licence is required to ply any vessel on any river etc. It is apparent that by virtue of section 17C no licence is required under the Bombay Ferries Act for plying a vessel in respect of which a licence is issued under section 6 of the Indian Ports Act, 1908.

Under rule 3 of the Bombay Minor Ports Passengers & Vessels Rules framed under section 6 of the Indian Ports Act no passengers shall be carried in any boat either for hire or otherwise and no boat shall be plied in, from or to any minor port or between any minor port and any port in the Province of Sind, the Province of Madras, Kathiawar, the Indian States of Cutch, Baroda, Janjira or the Portuguese possessions on the western coast of India unless a licence in respect of such vessel has been obtained from the Collector or any officer authorised by the Collector in this behalf. It is undisputed by the Collector of Customs that the ferries plying within the limits of the port of Broach would be governed by the Bombay Minor Ports Passengers Vessels Rules. If so, a licence for plying such ferries would be imperative under rule 3. There is no provision in these Rules that no licence thereunder would be necessary in cases where a licence under section 14-C of the Bombay Ferries Act is issued. Consequently a licence under rule 3 of the Bombay Minor Ports Passengers Vessels Rules would be necessary in the present ..

case and licence under section 14-C of the Bombay
Ferries Act would be unnecessary. The view taken
by Secretary R.D. is correct.

Sd/-

4.6.47

Remembrancer of Legal Affairs.

U.R. to R.D. 5870 dated the 5th June 1947.

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